

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Suits-SSP – Kurnool District- Pothulapadu H/o Ganapuram village- Market value enhanced from Rs.2,500/- to Rs.3,00,000 p.a- Appeals filed and dismissed by the Hon'ble High Court of A.P, Hyderabad – final decretal Charges amount of Rs. 9,47,532/--Sanction orders-Issued

IRRIGATION & C.A.D.(PW-LA.II) DEPARTMENT

G.O.Rt.No. 338

Dated: 31.05.2010
Read the following:

- 1) From the Special Chief Secretary to Government & CCLA.A.P.
Hyderabad Lr.CCLA.Lr.No. SRP4/808/09, Dated: 7.11.2009
- 2) From the Special Collector, SSP, Kurnool Lr.No. Rc.A3/153/2009,
Dated: 28.5.2009.

ORDER:

The Special Chief Secretary to Government & CCLA, A.P. Hyderabad and Special Collector, Srisailem Project, Kurnool in the references I st and 2nd read above has submitted decretal proposals in O.P. 6949/91 and 6950/91 for an amount of Rs.9,47,532/- (Rupees Nine Lakhs Forty Seven thousand Five hundred Thirty two only) for an extent of Ac.1.00 in Sy.No. 713/C3 & 713/C4 etc acquired through Award No. 38/79, dated: 05.03.1979 for formation of Hydro Electric Project. The Special Deputy Collector, L.A, & Reh., SSP, Kurnool had acquired the dry lands in Survey No. 713/C3 & 713/C4 etc., for an extent of Ac. 1.00 of Pothulapadu, H/o. Ganapuram village by fixing the market value @ Rs2,500/- per acre through Award No. 38/79, dated: 05.03.1979 for formation of Hydro Electric Project. Aggrieved with the Market value awarded by the LAO, the awardees have filed petition U/S 18(1) of the L.A Act with a request to refer the matter to the Civil Court for adjudication. On making references U/s. 18of L.A. Act to the Lower Court, the Senior Civil Judge, Nandikotkur had delivered Judgments enhancing the market value from Rs.2,500/- to Rs.3,00,000/- per acre in O.P.No. 6950/91 & 6949/91, dated: 23.4.2001. Aggrieved with the market value enhanced by the Lower, the Special Deputy Collector, L.A. & Reh., SSP, Kurnool has filed appeal in the Hon'ble High Court of A.P. Hyderabad in the O.P.No. 6950/91 & 6949/91 against the orders of the Lower Court. The S.D.C. has reported that the claimants also filed EPs in the Civil Court and on filing of stay petitions, the Hon'ble High Court of A.P has granted interim orders for payment of ¼ of decretal amount. Accordingly proposals for sanction of ¼ of decretal amount were submitted to the Government through the Special Collector, L.A & Reh., SSP, Kurnool and the Government have sanctioned an amount of Rs. 3,48,606/- towards ¼ of the decretal amount and the same has been deposited in the Senior Civil Judge Court, Nandikotkur on 19.7.2002 in both O.P. Nos 6950/91 & 6949/91 and the Hon'ble High Court of A.P. Hyderabad has disposed off the case vide A.S.No. 2066/01, and 2076/01, dated: 25.11.2008 against O.P.Nos.6950/91 and 6949/91, respectively and enhanced the Land compensation at Rs. 2,000/- per cent, i.e. Rs. 2,00,000/- per acre and also confirmed the Decree of the Lower Court in all other

aspects . The Advocate General, High Court of A.P. Hyderabad has advised to comply with the orders of the Hon'ble High Court of A.P. Hyderabad. The Special Deputy Collector, L.A. & Reh., SSP, Kurnool has sent budget proposals for an amount of Rs.9,47,532/- towards balance of decretal amount in respect of O.P.No. 6950/91, and 6949/91 for depositing the same in the Civil Court and avoid further legal complications in the matter. The proposal for accordisng sanction to the same amount has been forwarded by the Special Chief Secretary to Government & CCLA, A.P. Hyderabad.

2. After careful examination of the matter, Government hereby accord sanction for an amount of Rs. 9,47,532/- (Rupees Nine Lakhs Forty Seven thousand Five hundred Thirty two only) towards final decretal charges in

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respect of O.P. Nos. 6950/91 & 6949/91, pertaining to Pothulapadu H/o. Ganapuram village, Kurnool District, subject to verification whether the reference under Section 18 (1) of the L.A. Act is made to the Lower Court after following all the guidelines/directions on the subject and in case, it is detected that section 18 reference was made contrary to the rules/guidelines issued by the Government/CCLA, Hyderabad immediate action should be taken to recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the CE as to the extent of land acquired. Further the Special Collector, SSP, Kurnool should verify the calculations made by the LAO, once again thoroughly with reference to the decree and instructions issued by the Government/CCLA, Hyderabad on the subject from time to time, duly deducting the income tax, as per rules, before depositing the amount in the Lower Court.

3. The Special Collector, SSP, Kurnool is directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the LAO once again at his level and also verify the decrees and decretal charges, if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 31-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court

4. The amount sanctioned in Para (3) above shall be debitable to the Head of Account under ""2801 -Power Projects- 01-Hydel Generation, M.H. 105-SHEP; G.H.11 Normal State Plan, SH(26) Dams & Appurtenant works; 530-Major Works, 532- Lands (Charged)". In case, the available budget provision is not sufficient to meet the present requirement, the expenditure may be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5. This order issues with the concurrence of Finance (W&P) Department vide their U.O.No. 2122/F5 (A1)/2010-1, Dated: 15.5.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To
The Special Chief Secretary & C.C.L.A. A.P. Hydedrabad
The Special Collector, SSP, Kurnool
The Special Deputy Collector, L.A. & Reh, SSP, Kurnool
The Engineer-in-Chief, Hyderabad
The Revenue Divisional Officer, Kurnool
The Superintending Engineer, I & CAD, Kurnool
The Director of Works and Accounts, Hyderabad
The District Treasury Officer, Kurnool
The Joint Director, Works & Accounts, Srisailam, Kurnool
The Pay & Accounts Officer, Kurnool
Copy to
P.S. to Minister (M & MI)
Law Department/Finance (W&P) Department
C.No. 30431/L.A.II/A1/2009
Stock file/Spare copies

//FORWARDED BY ORDER//

SECTION OFFICER